

REMARKS

Claims 5 and 7-10, as amended, remain herein. Claims 1-4 and 6 have been cancelled.

1. Claims 1-10 were rejected under 35 U.S.C. § 103(a) over Moteki U.S. Patent 6,102,571 and Ishii JP 07-165243. Claims 1-4 and 6 have been cancelled, mooted the rejections thereof. Moteki discloses a packaging bag with rough, easy-opening sections on an edge and a back seal portion. The Office Action admits that Moteki fails to disclose an upper seal portion that includes first and second seal sections, the first seal section extending from a first side edge portion across the back seal portion and having a relatively deep depth in a vertical direction of the front and back surface portions relative to the second seal section, and the second seal section extending between the first seal section and a side edge portion of the packaging bag opposite the first side edge portion, as recited in applicants' amended claim 5.

Moteki further fails to disclose that the first seal section has a rough surface seal open portion on one of the side edge portions of at least one of the front and back surface portions of the packaging bag, as recited in applicants' claim 5.

Moteki further fails to disclose that the first seal section has an intermediate rough surface seal open portion in the back surface portion including a root portion of the back seal portion where the back seal portion meets the back surface section, as recited in applicants' claim 5.

Ishii fails to provide what Moteki lacks. Ishii discloses a packaging that is sealed around the edges, and has a corner with a seal larger than the remaining sealed portions on the bag. The corner is cut to allow easy-opening of the packaging. Ishii fails to disclose the first seal section extending from a first side edge portion across the back seal portion and having a relatively deep depth in a vertical direction of the front and back surface portions relative to the second seal section, as recited in applicants' claim 5. Rather, the packaging of Ishii has no back seal portion.

Ishii further fails to disclose rough surface seal open portions on edges of the packaging or on a back surface portion including a root of a back seal portion.

Nor would it have been obvious to one of ordinary skill in the art to combine Moteki and Ishii to render obvious applicants' claims. The bag of Moteki has upper and lower sealed portions and a back seal portion. Moteki discloses rough opening surfaces formed by perforating layers of the packaging. The bag comprises multiple layers that are perforated separately, then laminated, ensuring that the bag is sealed. See Moteki, col. 5, line 38-col. 6, line 6. Ishii discloses a packaging with sealed portions on four sides and no back sealed portion. A corner sealed portion is larger than the remaining sealed to form a narrow discharge opening.

Nothing in either Ishii, Moteki, or anything else in this record would have provided any motivation to one of ordinary skill in the art to use a sealed portion from Ishii, apply it to Moteki, and have it extend across the back seal portion of Moteki. A seal such as that in Ishii would not be necessary in Moteki, because the perforations of Moteki are made before the bag is laminated. Further, a bag disclosed in Moteki is designed to be completely opened, rather than having a discharge opening, as disclosed in Ishii. See Moteki, col. 1, lines 44-60. Thus, the large sealed portion is necessary in Ishii but not in Moteki.

The Office Action states that applying the seal of Ishii to Moteki would leave a portion of the seal when the bag is open to direct pouring of the contents. This would not have been a motivation to one of ordinary skill in the art to combine Moteki and Ishii, because the large seal would serve no useful purpose in Moteki after the packaging is opened. One of ordinary skill in the art would not have considered it desirable to leave a portion of the seal when the Moteki bag is open, since such a seal would make it more difficult to access the contents of the bag. See Moteki, col. 1, lines 44-60.

Since Moteki and Ishii, alone or combined, fail to disclose every element of applicants' claim 5; and since it would not have been obvious to one of ordinary skill in the art to combine Moteki and Ishii to render applicants' claim 5 obvious, Moteki and Ishii are inadequate grounds for rejecting claims 5 and 7-10 under 35 U.S.C. § 103(a). Reconsideration and withdrawal of the rejection are respectfully requested.

Accordingly, this application is now fully in condition for allowance and a notice to that effect is respectfully requested. The PTO is hereby authorized to charge/credit any fee deficiencies or overpayments to Deposit Account No. 19-4293. If further amendments would place this application in even better condition for issue, the Examiner is invited to call applicants' undersigned attorney at the number listed below.

Respectfully submitted,

STEPTOE & JOHNSON LLP



Roger W. Parkhurst
Reg. No. 25,177
Adam C. Ellsworth
Reg. No. 55,152

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STEPTOE & JOHNSON LLP
1330 Connecticut Avenue, N.W.
Washington, D.C. 20036-1795
Tel: (202) 429-3000
Fax: (202) 429-3902

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